

Amendment
Application No. 10/743,421
Attorney Docket No. 032204

REMARKS

Claims 1 and 3-10 are pending in the application. Claim 3 has been amended. No new matter has been added. In light of the amendment to claim 3 and the following remarks, applicants earnestly solicit favorable reconsideration.

Applicant thanks the Examiner for considering the subject matter of claims 4-6 to be allowable.

Claim Objections

Applicant has amended claim 3 to address the objection to the claim. In addressing the Examiner's objection, claim 3 has been made into an independent claim.

On the Merits

Claims 1, 7, 8 and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Horiuchi et al.* (JP 2002-289925).

Independent Claim 1:

In issuing the present rejection, the Examiner has relied on a new reference *Horiuchi*, a Japanese published application. The Examiner contends that the required elements of claims 1 and 7 are disclosed in figure 1 and paragraph 28 of *Horiuchi*.

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Claim 1 requires in part:

a light-transmitting resin and minute regions, said minute regions being dispersedly distributed in said light-transmitting resin and having a birefringence different from said light-transmitting resin, wherein at least one of said light-transmitting resin and said minute regions contains at least one luminescent material;

wherein said at least one luminescent material is a fluorescent material that absorbs any one of ultraviolet light and visible light and emits visible light.

The Examiner contends that the light-transmitting resin is disclosed by reference character 7 of figure 1, “transparent inorganic material.” Abstract. The Examiner also contends that the “minute regions dispersedly distributed in said light-transmitting resin and having a birefringence different from said light-transmitting resin,” is disclosed in paragraph 28 of *Horiuchi*. Paragraph 28 of *Horiuchi* describes figure 5.

It appears that the Examiner may be interpreting the fluorescent material 8 disclosed in the paragraph 28, to be the “minute regions” as required by claim 1.¹ Independent claim 1, however, also requires that the “minute regions” have a birefringence different from the light-transmitting resin. The Examiner has not specifically addressed this feature of claim 1. Furthermore, applicant respectfully submits that this feature is not disclosed in paragraph 28, or in the rest of the *Horiuchi* reference.

¹ If applicant's understanding of the Examiner's position is incorrect, please let applicant know.

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Additionally, *Horiuchi et al.* (JP2002-289925) discloses that a fluorescent material is dispersed in a transparent resin, but does not disclose a fluorescent material that absorbs any one of ultraviolet light and visible light and emits visible light, unlike the optical element as claimed in claim 1 of the present application. Also, *Horiuchi et al.* does not disclose that the luminescent material is a phosphorescent material that emits visible phosphorescence.

With respect to the technical fields in which each cited art belongs, the optical element of *Horiuchi et al.* is used for a light emitting diode, while the optical element of the present invention is used for a liquid crystal. Accordingly, it is highly unlikely to combine the cited arts to conceive the present invention

Furthermore, independent claim 1 also requires that the luminescent material is a fluorescent material that absorbs any one of ultraviolet light and visible light and emits visible light. *Horiuchi* does disclose “in the transparent resin section 5, the fluorescent material 8....” However, *Horiuchi* does not disclose the latter part of the requirement of claim 1, that the material “absorbs any one of ultraviolet light and visible light and emits visible light.” Therefore, applicant respectfully requests the rejection be withdrawn and the claims as herein presented allowed.

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Independent Claim 3:

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Horiuchi*. The Examiner contends that using a phosphorescent material instead of a luminescent material would be reasonably contemplated by a person having ordinary skill in the art because the selection of the phosphorescent material would be on the basis of suitability for the intended use and would be a matter of obvious design choice.

Independent claim 3 requires the said luminescent material to be “phosphorescent material that absorbs any one of ultraviolet light and visible light and emits visible phosphorescence.” Using the same rationale as mentioned above regarding independent claim 1, the *Horiuchi* reference does not disclose a material that “absorbs any one of ultraviolet light and visible light and emits visible light” as required by claim 3. As such, applicant respectfully traverses the rejection to claim 3 and submits that the claim as herein presented is in condition for allowance.

Independent Claim 7:

Regarding independent claim 7, the same arguments as stated above also apply to claim 7.

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Dependent Claims 8-10:

Claims 8-10 each depend upon independent claim 7. As such, the arguments presented above regarding independent claim 7 also apply to its dependent claims.

In view of the aforementioned amendment and accompanying remarks, applicant submits that the claims, as herein presented, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact applicant's undersigned agent to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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